

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	<b>: CASE NO: 11-81586-JRS</b>
	<b>: CHAPTER: 7</b>
	<b>:</b>
<b>RACHEL SHANNON CARTWRIGHT</b>	<b>:</b>
<b>Debtor</b>	<b>:</b>
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<b>BANK OF AMERICA, N.A., SUCCESSOR BY</b>	<b>:</b>
<b>MERGER TO BAC HOME LOANS SERVICING,</b>	<b>:</b>
<b>LP FKA COUNTRYWIDE HOME LOANS</b>	<b>:</b>
<b>SERVICING, LP,</b>	<b>:</b>
<b>Movant,</b>	<b>:</b>
	<b>: CONTESTED MATTER</b>
<b>vs.</b>	<b>:</b>
	<b>:</b>
<b>RACHEL SHANNON CARTWRIGHT</b>	<b>:</b>
<b>EDWIN K. PALMER, Trustee</b>	<b>:</b>
<b>Respondents.</b>	<b>:</b>

**NOTICE OF ASSIGNMENT OF HEARING**

NOTICE IS HEREBY GIVEN that BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP filed a Motion for Relief from Automatic Stay with the Court seeking an order modifying stay, and hearing will be held on the Motion for Relief from Automatic Stay **in Courtroom 1404, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia at 1:30 PM on February 28, 2012.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, 75 Spring Street S.W., Suite 1340, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion for Relief from Automatic Stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: 1/30/12 /s/ Molly Sutter

Molly Sutter

Attorney for Movant

GA State Bar No. 120309

Rubin Lublin Suarez Serrano, LLC

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	:
RACHEL SHANNON CARTWRIGHT	:
EDWIN K. PALMER, Trustee	:
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**MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)**

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP ("Movant") hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay with respect to certain real property of the Debtor(s) having an address of **630 Beckenham Walk Drive, Dacula, GA 30019** (the "Property"), for all purposes allowed by law, the Note (defined below), the Security Deed (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. The Debtor(s) has/have executed and delivered or is/are otherwise obligated with respect to that certain promissory note in the original principal amount of **\$190,470.00** (the "Note"). A copy of the Note is attached hereto as Exhibit "A". Movant is an entity entitled to enforce the Note.
2. Pursuant to that certain **Security Deed** (the "**Security Deed**"), all obligations, (collectively, the "Obligations") of the Debtor(s) under and with respect to the Note and the **Security Deed** are

secured by the Property. A copy of the **Security Deed** is attached hereto as Exhibit "B".

3. The legal description of the Property and recording information is set forth in the Security Deed, a copy of which is attached hereto, and such description and information is incorporated and made a part hereof by reference.

4. As of **January 24, 2012**, the outstanding amount of the Obligations less any partial payments or suspense balance is **\$249,256.00**. This does not include the attorney's fees and expenses incurred in connection with preparing and pursuing this Motion, which fees and expenses are set forth in more details below.

5. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred **\$726.00 in legal fees and costs**. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

6. As of **January 24, 2012** the Debtor(s) has/have failed to make **(61)** payments due pursuant to the terms of the Note.

7. The estimated market value of the Property is **\$196,000.00**. The basis for such valuation is **Debtor's Schedule A**.

8. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is **\$252,256.00**.

9. Cause exists for relief from the automatic stay for the following reasons:

- a. Movant's interest in the Property is not adequately protected.
- b. Movant's interest in the collateral is not protected by an adequate equity cushion.

- c. The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant`s interest against that decline.
- d. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor(s) has/have little to no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay for all purposes allowed by law, the Note, the Security Deed, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- 4. For such other relief as the Court deems proper.

RUBIN LUBLIN SUAREZ SERRANO, LLC

/s/ Molly Sutter  
Molly Sutter  
Attorney for Movant  
GA State Bar No. 120309  
Rubin Lublin Suarez Serrano, LLC  
3740 Davinci Court, Suite 400  
Norcross, GA 30092  
(877) 813-0992  
msutter@rubinlublin.com

CERTIFICATE OF SERVICE

I, Molly Sutter of Rubin Lublin Suarez Serrano, LLC certify that on the 30th day of January, 2012, I caused a copy of the foregoing to be to be filed in this proceeding by electronic means and to be served by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

Rachel Shannon Cartwright  
630 Beckenham Walk Drive  
Dacula, GA 30019

Lorena Lee Saedi, Esq.  
Saedi Law Group, LLC  
3006 Clairmont Road  
Suite 103  
Atlanta, GA 30329

Edwin K. Palmer, Trustee  
P.O. Box 1284  
Decatur, GA 30031

United States Trustee - Atlanta  
362 Richard Russell Building  
Office of the US Trustee  
75 Spring Street, SW  
Atlanta, GA 30303

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 1/30/12 By: /s/Molly Sutter  
Molly Sutter  
GA State Bar No.120309  
Rubin Lublin Suarez Serrano, LLC  
3740 Davinci Court, Suite 400  
Norcross, GA 30092  
(877) 813-0992  
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